

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 7347 of 2007(Y)

PETITIONER:

C.D.JOSHY, AGED 46 YEARS,
S/O. DAMODARAN, MANAGING PARTNER,
HOTEL CEE DEE REGENCY, ANICODE,
CHITTOOR, PALAKKAD.

BY ADV. SMT.P.DEEPTHI

RESPONDENTS:

1. THE DISTRICT COLLECTOR AND ADDL.
DISTRICT MAGISTRATE, PALAKKAD,
OFFICE OF THE DISTRICT COLLECTOR AND ADDL.
DISTRICT MAGISTRATE, PALAKKAD.
2. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
EXCISE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.7347 of 2007

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Dated this the 5th day of March, 2007.

JUDGMENT

The impugned Ext.P2 is issued by the District Magistrate, Palakkad under Section 54 of the Kerala Abkari Act, hereinafter referred to as the 'Act' , for short, directing all licensees within the limits of Chittoor Police Station, who deal with all categories of liquors or other intoxicatory drugs to keep their shops/selling premises closed on 4-3-2007 and 5-3-2007 in Chittur Police Station limits. The said order is made with reference to a communication dated 3-3-2007 of the Superintendent of Police, Palakkad. Learned Government Pleader has brought a copy of the said communication from the Superintendent of Police, Palakkad and also a copy of the communication from the Circle Inspector of Police, Chittur to the District Collector, Palakkad, which was forwarded to the Superintendent

of Police for favour through proper channel. It is revealed by those materials that on 4-3-2007, the election was scheduled to the Committee of Chittur Primary Co-operative Agricultural Rural Development Bank. It is also stated in the police report that there is considerable law and order situation owing to the fact that the election is contested by two political factions and at the instance of one of the parties, this Court had issued an order of police protection. Today, on 5-3-2007, the Chittur area of Palakkad District has Konganpada Festival, which the learned Government Pleader submits, on instructions, that it is a festival where large number of people assembles. He also points out that three crime cases have been registered in relation to the law and order situation. Learned counsel for the petitioner points out that Konganpada Festival is a very huge festival and if only three crimes were registered, it does not reflect the existence of law and order situation.

It is an undisputed fact that Konganpada festival is a huge festival. But the Superintendent of Police and the Circle Inspector of Police, having come to the conclusion that liquor shops have to be closed down for preservation of public peace, this is not a case where any interference is called for by this Court on account of any legal niceties. This is particularly because, no jurisdictional error is pointed out in the sense that the District Collector is the competent authority to exercise the powers conferred on him as has been revealed by the first paragraph of Section 54 of the Act. He had acted on the basis of the relevant materials. While Section 54 requires that the District Magistrate may, by notice in writing to the licensee, require him to close down the shop, it is not the requirement that separate notice need be issued to each of the licensee when threat to public peace and tranquility, which is sought to be prevented, is in relation to a particular area,

which can be identified either to the limits of the Police Station or revenue limits.

In the aforesaid circumstances, I do not find any illegality or jurisdictional infirmity in the impugned order. Writ Petition fails. It is accordingly dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.